

19850115

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF

TUESDAY, JANUARY 15, 1985

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Mitchell at 10:08 a.m. Students and Vice Principal Karen Gates from Baker Elementary School were introduced and welcomed by the Council.

The meeting was recessed by Deputy Mayor Mitchell at 12:01

p.m. The meeting was reconvened by Deputy Mayor Mitchell at 2:09

p.m. Deputy Mayor Mitchell announced that the Housing Authority items were trailed to Tuesday, January 22, 1985 at 10:30 a.m.

Deputy Mayor Mitchell adjourned the meeting at 5:12 p.m. to Tuesday, January 22, 1985 at 9:00 a.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Hedgecock-excused by R-262336 (vacation)

(1) Council Member Mitchell-present

(2) Council Member Cleator-excused by R-262335

(participate in inauguration of Pacific Princess

Cruise as Chief, Cruise Ship Industry Consortium

(3) Council Member McColl-present

(4) Council Member Jones-present

(5) Council Member Struiksma-present

(6) Council Member Gotch-present

(7) Council Member Murphy-present

(8) Council Member Martinez-present

Clerk-Abdelnour (bb a.m.; jb p.m.)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Hedgecock-not present

(1) Council Member Mitchell-present

(2) Council Member Cleator-not present

(3) Council Member McColl-present

(4) Council Member Jones-present

(5) Council Member Struiksma-present

(6) Council Member Gotch-present

(7) Council Member Murphy-present

(8) Council Member Martinez-present

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ITEM-330:

Appeal of "The Gallileo, Satchmo, Luther, Wycliffe, Billy Mitchell, Jenner Octet," by Kenneth S. Breman, from the decision of the Planning Commission in approving modified Conditional Use Permit CUP-84-0178, which proposes to construct and operate an outdoor amphitheater and performing arts center on approximately 30 acres in Zone A-1-10. The subject property is located on the west side of West Bernardo Drive between I-15 and Aguamiel Road in the Rancho Bernardo Community Plan area, and is more particularly described as a portion of Rancho San Bernardo, Record of Survey Map-8687.  
(CUP-84-0178. District-1.)  
(The Rancho Bernardo Community Planning Group recommended approval of the project.)

Subitem-A: (R-85-1304) ADOPTED AS RESOLUTION R-262337

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-84-0178 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-85-1305) ADOPTED AS RESOLUTION R-262338

Adoption of a Resolution granting the appeal and denying the permit or denying the appeal and granting the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CUP 84-0178

COUNCIL ACTION: (Tape location: A013-540.)

Hearing began at 10:08 a.m. and halted at 10:43 a.m.

Testimony in favor of continuing

Subitem B by Robert G. Long.

Testimony in favor of amphitheater and performing arts center by Kenneth S. Breman.

MOTION BY GOTCH TO CLOSE THE HEARING, ADOPT SUBITEMS A AND B DENYING THE APPEAL AND GRANTING THE PERMIT WITH APPROPRIATE LANGUAGE AS STATED IN CONDITIONAL USE PERMIT NO. 84-0178, TABLE

1, SCHEDULE OF EVENTS CRITERIA, ATTACHMENT 1 REVISED, AND PARAGRAPH 2.B. DELETING THE WORDS "FOR 7,500 PERSONS". Second by Jones. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-331: (R-85-982 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-262339

Vacating Coolidge and Burton Streets adjacent to Lots 3 and 4, Block 63, and Lots 6 and 8 through 10, Block 59; the north/south alley adjacent to Lots 2 through 5, Block 63; and east/west alley adjacent to Lots 1, 2, 5, 6 and 7, Block 63; and the walk adjacent to Lots 8 and 9, Block 59, all in Linda Vista Unit 4, Map-3256, under Resolution of Intention R-262172, adopted on December 17, 1984; declaring that the City reserves and excepts from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature; declaring that this Resolution shall not become effective unless and until a final parcel map has been approved and an Engineering Permit to construct public improvements in Coolidge and Burton Streets has been issued; in the event that either or both of the above conditions cannot be met by February 1, 1991, this Resolution shall become void and be of no further force or effect.

(See City Manager Report CMR-84-481. Kearny Vista Community Area. District-5.)

FILE LOCATION: DEED F-2669 STRT J-2537 DEEDFY85-1

COUNCIL ACTION: (Tape location: A557-C210.)

Hearing began at 10:44 a.m. and halted at 11:48 a.m.

Testimony in favor by Paul Robinson.

Testimony in opposition by George Stevens, Reverent Arthur Kent, Earl Stanton, Ralph Klein and Jannette Kaye.

MOTION BY STRUIKSMA TO CLOSE THE HEARING, VACATE PORTION OF COOLIDGE AND BURTON STREETS TOGETHER WITH THE ALLEYS AND WALKWAYS SET FORTH IN THE APPLICATION FOR VACATION SUBMITTED BY THOMAS J. CARROLL AND MAKE THE FOLLOWING FINDINGS RELATIVE TO THE VACATION: 1) THAT THERE IS NO PRESENT OR PROSPECTIVE USE FOR THE EASEMENT OR STREET DEDICATION, EITHER FOR THE FACILITY FOR WHICH THE RIGHT-OF-WAY WAS ORIGINALLY ACQUIRED OR FOR ANY OTHER PUBLIC USE OF A LIKE NATURE THAT CAN BE ANTICIPATED; 2) THAT THE PUBLIC WILL BENEFIT FROM THE ACTION THROUGH IMPROVED UTILIZATION

OF LAND MADE POSSIBLE BY THE STREET VACATION; 3) THAT THE VACATION OR ABANDONMENT IS NOT INCONSISTENT WITH THE GENERAL PLAN OR AN APPROVED COMMUNITY PLAN; 4) THAT THE PUBLIC FACILITY FOR WHICH THE RIGHT-OF-WAY AS ORIGINALLY ACQUIRED WILL NOT BE DETRIMENTALLY AFFECTED BY THE STREET VACATION; 5) VACATION TO BE EFFECTIVE UPON CITY ADOPTION OF REDEVELOPMENT PROPOSAL FOR THE LAND IN QUESTION, BY WAY OF APPROVAL OF A PRD, PCD OR DEVELOPMENT AGREEMENT, OR A COMBINATION THEREOF; 6) THAT THERE BE

AN 18 MONTHS SUNSET CLAUSE IN THE NEGOTIATED AGREEMENT AND THE RESOLUTION FOR THE STREET VACATION BECOME VOID IF THE AGREEMENT IS NOT

APPROVED BY THE CITY COUNCIL WITHIN THAT 18 MONTH PERIOD; AND 7) THAT

PUBLIC ACCESS BE INCORPORATED IN THE DEVELOPMENT OF THE PROJECT.

Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmayea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-332: (R-84-1464) FILED

(Continued from the meetings of March 20, 1984, June 19, 1984, September 11, 1984, October 30, 1984 and December 4, 1984; last continued at Mayor Hedgecock's request to await Council action on the findings of the Growth Management Task Force.)

Matter of:

A Threshold Determination of a proposal to amend the City's Progress Guide and General Plan - Phase Shift maps, by shifting from "Future Urbanizing" to "Planned Urbanizing" the approximately 840-acre area known as San Dieguito Valley, located between I-5 and El Camino Road, south of Via de la Valle and north of North City West.

(District-1.)

(San Dieguito Valley was not scheduled for Planning Commission.)

\* NOTE: The matter of the establishment of the San Dieguito Planning Group and its operating Bylaws will be heard by the Rules Committee on January 14, 1985 and will be discussed by Council concurrently with the threshold determination.

FILE LOCATION: LAND - Progress Guide and General Plan

COUNCIL ACTION: (Tape location: D008-G112.)

Hearing began at 2:10 p.m. and halted at 4:26 p.m.

Council Member Martinez entered at 2:11 p.m.

Council Member McColl entered at 2:25 p.m.

Testimony in favor by Kae Hensley, William Dumka and Bruce Henderson, Glen Dean, Denyse Sayler, Vito Dalfio, John L Gregg, Wallace McCoy, Judith Munk and Ernest Shepherd.

Testimony in opposition by Jay Powell, Scott Emsley, George Watkins, Joseph Lang, Katherine Prowse, Jane Skotnicki, Nancy Lucast and Lynn Benn.

MOTION BY GOTCH TO FILE THE REQUEST TO MAKE SAN DIEGUITO VALLEY A PART OF THE THRESHOLD DETERMINATION AND HOLD IN ABEYANCE FOR APPROXIMATELY ONE YEAR. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-333: (R-85-911) ADOPTED AS RESOLUTION R-262344

Considering the protests and determining that it would be in the public interest to acquire 18.9 acres of 34th Street Canyon for the San Diego Open Space Park Facilities District No. 1 for open space park purposes, under Resolution of Intention R-262117, adopted December 10, 1984; authorizing the City Manager to offer to purchase said property; authorizing the expenditure of not to exceed \$3,200,000 as payment for said property and related costs from Open Space Park District Bond Fund 79103; authorizing the City Manager to accept the deed to said property without further Council action.

(See City Manager Report CMR-84-455. Greater Golden Hill Precise Plan and Park Northeast Community Areas. District-8.)

FILE LOCATION: STRT OS-11

COUNCIL ACTION: (Tape location: G126-164.)

Hearing began at 4:27 p.m. and halted at 4:29 p.m.

Testimony in favor by Robert Long.

MOTION BY MARTINEZ TO CLOSE THE HEARING AND ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-334: (R-85-867) ADOPTED AS RESOLUTION R-262345

Considering the protests and determining that it would be in the public interest to acquire 0.292 acres of Switzer Canyon for the San Diego Open Space Park Facilities District No. 1 for open space park purposes, under

Resolution of Intention R-262103, adopted on December 10, 1984; authorizing the City Manager to offer to purchase said property; authorizing and approving the expenditure of not to exceed \$250,000 as payment for said property and related costs from Open Space Park District Bond Fund 79103; authorizing the City Manager to accept the deed to said property without further Council action.

(See City Manager Report CMR-84-394. Park Northeast Community Area. District-8.)

**CITY MANAGER REPORT:** Switzer Canyon, which bears northeast from 28th and Laurel Streets to 32nd and Redwood Streets, is the ninth priority in Category A on the revised Open Space Retention List adopted by the City Council on November 21, 1984. The City owns, or is in the process of acquiring, 19 acres of Switzer Canyon for open space. On October 18, 1983, the Council approved \$1,250,000 in funds to purchase additional parcels for this system. At that public hearing, following public input, the Council directed that an additional parcel, known as Balboa Terrace, be appraised and that information reported to the Public Facilities and Recreation Committee. The Committee, on October 17, 1984, approved the Manager's recommendations, which were not to acquire the Balboa Terrace property, but to acquire four additional lots, Lots 37-40, Block 16, Gurwell Heights. If purchased, the residence on this property, which is the only residence on the floor of the canyon, would be either moved or demolished and the land returned to its natural state, thereby providing unrestricted continuous public access. The Committee also approved the City Manager's recommendation that if agreement on the purchase of the additional land including the house is not reached with the property owner, that the City Manager be given the authorization to revert to the original acquisition plan and not pursue condemnation of this residence.

**FILE LOCATION:** STRT OS-9

**COUNCIL ACTION:** (Tape location: G126-164.)

Hearing began at 4:27 p.m. and halted at 4:29 p.m.

Testimony in favor by Robert Long.

**MOTION BY MARTINEZ TO CLOSE THE HEARING AND ADOPT.** Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

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ITEM-335: (R-85-1306) ADOPTED AS RESOLUTION R-262346,  
GRANTING APPEAL, GRANTING PERMIT AS

AMENDED

(Continued from the meeting of November 20, 1984 at Council Member McColl's request.)

Matter of the appeal of Phillip Ray Berdeski from the decision of the Planning Commission in denying Conditional Use Permit CUP-84-0413, which proposes to establish an eleven-unit senior citizen housing project on a 6,250 square foot site in the Mid-City Community Plan area. The project is located at 4243 49th Street and is further described as Lots 13 and 14, Block 36, Fairmount Addition to City Heights, Map-1035.  
(CUP-84-0413. District-3.)

FILE LOCATION: PERM CUP 84-0413

COUNCIL ACTION: (Tape location: G165-H125.)

Hearing began at 4:30 p.m. and halted at 5:05 p.m.

Testimony in favor of the appeal by Phil Berdeski.

MOTION BY McCOLL TO CLOSE THE HEARING AND GRANT THE APPEAL AND PERMIT AS AMENDED BY GIVING THE APPELLANT THE OPTION OF EITHER THE TANDEM PARKING FOR SENIORS WITH A ONE TO ONE RATIO, OR EXEMPTION FROM THE MINIMUM LOT SIZE FOR THE PRD (PLANNED RESIDENTIAL DEVELOPMENT). THE APPELLANT IS TO WORK WITH THE PLANNING DEPARTMENT STAFF AND COUNCIL MEMBER McCOLL TO PRESENT HIS SELECTED ALTERNATIVE. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

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ITEM-S500: (R-85-1152) ADOPTED AS RESOLUTION R-262347

Awarding a contract to R. E. Hazard Contracting Company in the amount of \$1,119,565, for the improvement of Pomerado Road from Avenida Magnifica to Semillon Boulevard under Work Order No. 118467; authorizing the City Auditor and Comptroller to transfer \$147,004 from Capital Outlay Fund 30245, CIP-58-004, Annual Allocation - Miscellaneous Improvements on City Streets to CIP-52-103.2, Pomerado Road - Phase II; authorizing the expenditure of \$390,761 from CIP-52-103.2, Pomerado Road - Phase II to supplement funds previously authorized by Resolution R-261936, adopted November 13, 1984, solely and exclusively for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budget funds,

if any, to the appropriate reserves.

(See City Manager Report CMR-85-17. Scripps Miramar Ranch Community Area. District-5.)

FILE LOCATION: CONT - R.E. Hazard CONFY85-1

COUNCIL ACTION: (Tape location: G113-125.)

MOTION BY STRUIKSMA TO ADOPT. Second by Murphy. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-3: (R-85-0000) FILED

A Resolution presented to the City Council with UNANIMOUS CONSENT:

The matter of recognition and establishment of the San Dieguito Valley Planning Group and its operating Bylaws.

FILE LOCATION: LAND - Progress Guide and General Plan

COUNCIL ACTION: (Tape location: D008-G112.)

Motion by Murphy to continue for 45 days. Second by Martinez. Withdrawn.

MOTION BY GOTCH TO NOTE AND FILE AND DIRECT STAFF TO STEP UP EFFORTS TO COOPERATE WITH THE COUNTY AND SURROUNDING JURISDICTIONS TO "BEEF UP" SAN DIEGUITO RIVER VALLEY PLAN AND BEGIN TO DEVELOP THE RELATIONSHIPS THAT HAVE BEEN DISCUSSED.

Second by Murphy. Passed by the following vote: Mitchell-nay, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-UC-4: (R-85-1318) ADOPTED AS RESOLUTION R-262348

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Excusing Council Member Ed Struiksma from the Public Services and Safety Committee meeting of Wednesday, January 16, 1985, for purposes of conducting City business.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: H126-140.)

MOTION BY MARTINEZ TO ADOPT. Second by Struiksma. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.

ITEM-CS-1: (R-85-1253) ADOPTED AS RESOLUTION R-262340



A Resolution adopted by the City Council in Closed Session on January 15, 1985.

Authorizing the City Manager to pay the total sum of \$7,076.48 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Florence Glenn; authorizing the City Auditor and Comptroller to issue one check in the amount of \$7,076.48 to Florence Glenn and the firm of Luth & Turley, Inc., in full settlement of all claims.

FILE: MEET

ITEM-CS-2: (R-85-1254) ADOPTED AS RESOLUTION R-262341

A Resolution adopted by the City Council in Closed Session on January 15, 1985.

Authorizing the City Manager to pay the total sum of \$5,486.61 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Averill Pugmire; authorizing the City Auditor and Comptroller to issue one check in the amount of \$5,486.41 to Averill Pugmire and the firm of Luth & Turley, Inc., in full settlement of all claims.

FILE: MEET

ITEM-CS-3: (R-85-1252) ADOPTED AS RESOLUTION R-262342

A Resolution adopted by the City Council in Closed Session on January 15, 1985.

Authorizing the City Manager to pay the total sum of \$6,641.48 in settlement of each and every claim against the City, its agents and employees, resulting from the property damage claim of Bruce Humphrey; authorizing the City Auditor and Comptroller to issue one check in the amount of \$6,641.48 to Bruce Humphrey and the firm of Luth & Turley, Inc., in full settlement of all claims..

FILE: MEET

ITEM-CS-4: (R-85-1266) ADOPTED AS RESOLUTION R-262343

A Resolution adopted by the City Council in Closed Session on January 15, 1985.

Authorizing the City Manager to pay the sum of \$20,000 in settlement of all claims against the City of San Diego, its agents and employees (Superior Court Case No. 487484), David A. Reid; authorizing the City Auditor and Comptroller

to issue one check in the amount of \$20,000 to David A. Reid and his attorney, David S. Casey, in full settlement of all claims.

FILE: MEET

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mitchell at 5:12 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: H140-141).

MOTION BY JONES TO ADJOURN IN HONOR OF THE MEMORY OF MRS. PAT BOUGHTON. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksmma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-not present.